

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77484 of 2023

Arising Out of PS. Case No.-24 Year-2021 Thana- KHUDWA District- Aurangabad

Sri Niwas Tiwary Son Of Late Ram Rachya Tiwary @ Late Ram Raksheya
Tiwary R/O Village Sonbarsa Police Station Amba District Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Atul Sharma Son Of Late Satya Narayan Singh Resident Of Village- Dihuri,
Police Station- Khudwan, District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 10-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Khudwan P.S. Case No. 24 of 2021 dated

19.04.2021 registered for the offence/s punishable u/s 366A read

with section 34 of the Indian Penal Code.

4. As per the prosecution case, the co-accused Rajesh

Tiwari is alleged to have kidnapped the minor daughter of the

informant with the assistance of the petitioner and the other co-



accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is not named in the FIR. The petitioner is made accused in this case only because the petitioner is the father of the co-accused Rajesh Tiwari. There is love affair between the co-accused and the victim girl. The victim was not forced to have illicit intercourse with another person. The victim in her statement recorded under section 164 of the Cr. P.C. has stated that she solemnized marriage with the co-accused Rajesh Tiwari of her own will and presently she is living with him. Similarly situated co-accused has already been granted anticipatory bail by the co-ordinate bench of this court *vide* order dated 18.10.2023 passed in Cr. Misc. No. 66250 of 2023. The petitioner is also accused in two more criminal cases as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Aurangabad in connection with Khudwan P.S. Case No. 24 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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